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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,769

10/04/2004

Claes-Goran LINDEN

7298.143.PCUS00

5768

28694 7590 04/29/2008

NOVAK DRUCE + QUIGG LLP  
1300 EYE STREET NW  
SUITE 1000 WEST TOWER  
WASHINGTON, DC 20005

EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3782

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



<b>Office Action Summary</b>	<b>Application No.</b> 10/711,769	<b>Applicant(s)</b> LINDEN, CLAES-GORAN	
	<b>Examiner</b> LESTER L. VANTERPOOL	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-8,10-13 and 15 is/are allowed.
- 6) ☒ Claim(s) 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>February 15, 2008</u>   | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 16 & 17 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

2. Claim 16 & 17 are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" has been used to designate both (the upper contact faces) (i.e. See Specification page 4 filed on October 4, 2004) and (the inboard contact face) (i.e. Claim 16, filed on January 14, 2008) and "33" has been used to designate both (upper contact faces) (i.e. See Specification page 4, filed on October 4, 2004) and (the inboard ramped surface) (i.e. Claim 16 filed on January 14, 2008).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.



4. Claims 16 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The terms "an inboard side", "an outboard side", inboard ramped surface" & inboard contact face" are not defined in the specification filed on October 4, 2004.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Grim (U.S. Patent Number 4877169).

Grim discloses the foot part (14) having the base part (16) locatable proximate one of the lateral side edges of the roof of the vehicle (12) (See Figure 1) in the installed configuration and wherein the installed configuration the foot part (14) has the inboard side (See Figures 2, 3, 4 & 5) positioned toward the longitudinal centerline of the vehicle (12) and the outboard side (See Figures 2, 3 & 4) positioned toward the respective lateral side edge of the vehicle (12);

the clamping plate (18) pivotably connected to the foot part (14) by the pivot pin (33), the clamping plate (18) having the hook portion (20) releasably hookable on the



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fold formed at the respective lateral side edge of the vehicle (12) proximate the base part (14) (See Figure 1);

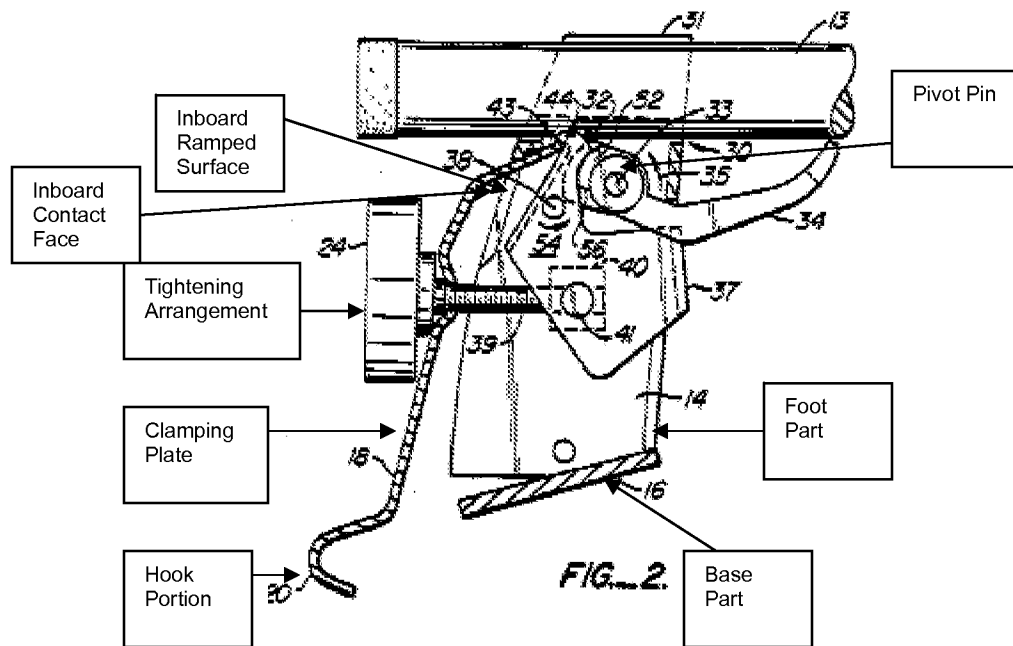
the base part (14) comprising the inboard ramped surface (See Figures 2, 3 & 4) located inboard of the pivot pin (33) and inclining from the outboard side toward the inboard side of the foot part (14);

the tightening arrangement (24) that advances the clamping plate (18) toward the inboard side of the foot part (14) from the released configuration to the secured configuration; and

the clamping plate (18) comprising the inboard contact face slidably abutting the inboard ramped surface in face-to-face engagement therewith (See Figure 3), the inboard contact face (See Figure 3) and the inboard ramped surface (See Figures 2 & 3) being configured so that in the secured configuration the clamping plate (18) is restrained against pivotation relative the foot part (14) (See Figure 3).



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### ***Allowable Subject Matter***

8. Claims 1 – 8, 10 – 13 & 15 are allowed.
9. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

10. Applicant's arguments filed February 15, 2008 have been fully considered but they are not persuasive.
11. Applicant argues, Grim does not disclose “an inboard contact face slidingly abutting the inboard ramped surface in face-to-face engagement therewith” as recited in claim 16.



Examiner disagrees, Grim teaches the inboard contact face which abuts the inboard ramp surface in the fact-to-face engagement therewith (See Figures 3). (i.e. as the clamping plate of Grim is tighten, the clamping plate pivots downward and the plate makes contact with the incline / ramp surface of foot load carrier (See Figure 3).

In addition, as the clamping plate continues to pivots downwardly, the contact face of the clamp moves and slides from the initial contact point to the final contact point as the clamp is being tighten.

Applicant further argues, Grim does not disclose “the inboard contact face and the inboard ramped surface being configured so that in the secured configuration the clamping plate is restrained against pivotation relative the foot part” as recited in claim 16.

Examiner disagrees, Grim teaches the inboard contact face in Figure 3 and the inboard ramp surface located on the load carrier foot are configured to secure that the configuration of the clamping plate is restrained against the pivot rotation relative the foot part (See Figure 3). Grim figure 3 teaches the clamping plate rotation is resisted against the upper and lower contact face locations to ensure a reliable anchoring of the load carrier.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESTER L. VANTERPOOL whose telephone number is (571)272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L. V./

Examiner, Art Unit 3782

/Nathan J. Newhouse/

Supervisory Patent Examiner, Art Unit 3782